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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

FREDDIE SMITH, ET AL.

CIVIL ACTION NO. 03-2076

VERSUS

JUDGE DONALD E. WALTER

MICHAEL J. FIFTHIAN, ET AL.

MAGISTRATE JUDGE HORNSBY

ORDER

Before this Court is a Motion for Summary Judgment filed on behalf of defendants, Michael J. Fifthian, Interstate Express, Inc., Keith Schonherr and Carolina Casualty Insurance Company (the "Fifthian defendants") [Doc. #117] pursuant to Federal Rule of Civil Procedure 56. Plaintiffs oppose this motion.

Finding that genuine issues of material fact remain with regard to the claims asserted against the Fifthian defendants, **IT IS ORDERED** that defendants' Motion for Summary Judgment [Doc. #117] be and is hereby **DENIED**.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 9 day of May, 2006.



DONALD E. WALTER
UNITED STATES DISTRICT JUDGE